

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ROBERT BRUCE KUNHART,

Petitioner,

vs.

WARDEN GUTIERREZ,


Respondent.

2:12-cv-00614-RLH-RJJ

**ORDER**

On October 21, 2011, petitioner submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 to the United States District Court for the Central District of California (“California District Court”). In an order issued, April 10, 2012, the California District Court transferred the case to this court. (ECF No. 3.) The California District Court concluded that jurisdiction under 28 U.S.C. § 2241 does not exist and that the petition must be construed as a motion arising under 28 U.S.C. § 2255. (*Id.*) Accordingly, because the petition is a “disguised” § 2255 motion filed in a district other than that of conviction, the California District Court transferred the action to this court—the court in which petitioner was convicted. In light of a § 2255 motion being the appropriate vehicle for petitioner’s claims, the court orders the petition to be filed as a § 2255 motion in petitioner’s criminal case in this court: *United States v. Kunhart*, 2:04-cr-00494-RLH-LRL.

**IT IS FURTHER ORDERED** that the clerk **SHALL CLOSE** this case for statistical purposes.

  
UNITED STATES DISTRICT JUDGE